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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,493	02/22/2002	Stephane Kasriel	D33-024-01-US	3724
54092 7590 05/31/2007 NORTH OAKS PATENT AGENCY 45 ISLAND ROAD NORTH OAKS, MN 55127			EXAMINER SALAD, ABDULLAHI ELMI	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/082,493

Applicant(s)

KASRIEL, STEPHANE

Examiner

Salad E. Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/07;10/06;10/24/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response

1. The response filed on 2/26/2007 has been received and made of record.

Applicant's arguments with respect to claims 1-40 have been fully considered but are moot in view of new grounds of rejection.

(A) Applicant alleges in Fascenda does not disclose the use of any delta encoder.

Examiner respectfully disagrees, because as defined in the present invention delta encoding device calculates delta information for a requested web page based on template information (i.e., dynamic data). Similarly Fascenda describes At a next step 1106, server 114 retrieves the latest (i.e., most current or up-to-date) version of the identified template (e.g., the template identified by template identifier 906) from server template database 330. At a step 1108, server 114 retrieves/derives the requested information required to populate the data fields of the template that was retrieved at step 1106. For example, at step 1108, server 114 retrieves the requested information from information store 334 in accordance with the most current template definition. In a step 1110, server 114 determines whether client 108 has the most current template. To make this determination, server 114 compares template version identifier 906 of the template named in information request message 900 against the version identifier for the same named template just retrieved from server template database 330 (e.g., in column 756 of table 750 of FIG. 7B) at step 1106. If server 114 determines that the identified client device 108 does not have the latest version of the appropriate template (i.e., the answer to step 1110 is NO), then client device 108 has an "old" template that requires updating with a "new" template, namely, the template just retrieved from server

template database 330. Accordingly, at a step 1112, server 114 composes an information response message including: a) information retrieved from information store 334 at step 1108; and b) template update information from the "new" template.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fascenda U.S. Patent No. 6,466,937[hereinafter Fascenda] in view of Tobias U.S. Patent No. 6,873,877[hereinafter Tobias].

As per claim 1, Fascenda discloses a method for responding to a request from a client for a web page including steps of:

forwarding from a request server a request to template server (310) and delta encoder (114) (see fig. 3, col. 7, line 58 to col. 8, line 9 and col. 15, line 65 to col. 16, line 20); building, at the template server that is logically separate from the request server a template information for the web page(see fig. 3, and col. 10, line 62 to col. 11, line 4); computing delta information (i.e., changes to client templates) for a web page based on the template based on the template information (see fig. 3, col. 7, line 58 to col. 8, line 9 and col. 15, line 65 to col. 16, line 20); and

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sending to the said client the delta information (i.e., changes to client templates) for the web page and reference a to the said template information (see col. 11, lines 7-21 and col. 13, lines 56-65).

Fascenda is silent regarding: the delta encoder is separate from the request server.

Nonetheless utilizing delta encoder separate from the server would have been an obvious modification Fascenda's system as evidenced by Kirsch. Kirsch in (FIG. 1 illustrates another possible configuration in which the encoders are separate from the server request (see fig .1 and paragraph col. 7, line 46 to col. 8, line 10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teachings of Tobias into the system of Fascenda such that delta encoders can located closer to end users and therefore are able to deliver content to those end users much faster than the content servers. In addition, distribution unit 108 can perform load balancing on the encoding units (116, 118, 120) to achieve optimal performance from a plurality of different encoders.

As per claim 2-3, Fascenda discloses a method as in claim 1, including steps of compressing said delta information (see col. 18, lines 44-49).

As per claim 4, Fascenda discloses a method as in claim 1, including steps of:
Sending statistical information to the template server relating to the benefits of delta caching service of the delta encoder (see col. 11, lines 7-21 and col. 13, lines 56-65 and col. 11, lines 7-21 and col. 13, lines 56-65)

As per claim 5 and 6, Tobias discloses a as claimed in claim 1, including the steps of distributing said request from said client to a selected one of a set of delta encoders (see fig .1 and paragraph col. 7, line 46 to col. 8, line 10).

providing a web object at said server in response to said request(see figs 1a, 1b and 16 and paragraph 0051-0051 and 0105-0107); and

computing said delta information at said selected one delta encoder in response to said template information, wherein said template information is substantially independent of an identity of said selected one delta encoder (see fig .1 and paragraph col. 7, line 46 to col. 8, line 10).

As per claim 7-8, Fascenda discloses a method as in claim 1, including steps of receiving, from said client, a request for said template information (col. 11, lines 7-21); and sending, to said client, said template information(col. 11, lines 7-21).

As per claim 9-11, Fascenda discloses a method as in claim 1, wherein said delta information includes one program fragment. wherein said delta information includes at least one program fragment directing said client to retrieve template information(see fig. 6b and col. 13, lines 56-65).

As per claim 12, Fascenda discloses a method as in claim 1, wherein said object is accessible to more than one said server (inherent)(see also fig. 3); and

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said template information is accessible to said more than one said server (inherent) (see fig. 3 and col. 10, lines 34-61).

As per claim 13, Fascenda discloses a method as in claim 1, wherein said steps of building are responsive to at least one change in said object (see col. 11, lines 11-21).

As per claims 14-40, the claims include limitations analogous to claims 1-13, thus claims 14-40 are rejected same rational as claims 1-13.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad
4/12/2007

ABDULLAH SALAD
PRIMARY EXAMINER